

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKAmaury Urena #1683RECEIVED
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(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Captain Shaw #1683

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Amaury Urena
 ID # 241 210 2214
 Current Institution G.R.V.C
 Address 09-09 Hazen St
East Elmhurst N.Y 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name (Captain) Shaw #1683 ~~INTERVENUAL CAPACITY~~ Shield # 1683
 Where Currently Employed 15-00 Hazen St East Elmhurst NY
 Address 11370 (N.Y.C)

Defendant No. 2 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 3 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N.Y.C 15-06 Hazen Street East Elmhurst N.Y 11370

B. Where in the institution did the events giving rise to your claim(s) occur?

Intake search room

C. What date and approximate time did the events giving rise to your claim(s) occur?

April 21 2022 at approximately 8 o'clock

D. Facts: _____

What
happened
to you?Who did
what?Was
anyone
else
involved?Who else
saw what
happened?SEE ATTACHED SHEET
PLEASE**III. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was having trouble breathing and referred to medical

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

1. on April, 21, 22 At approximately 8:00 clock pm Captain Shaw #1683 at the N.I.C Facility located at 15-00 Hazen street East Elmhurst N.Y 11370 was conducting an strip search of me in the intake area, Because I was being transported to an different facility. I passed all my clothing to the officer that was assisting with the search And then proceeded to squat and cough as I did plenty of time in the past in which at that time captain shaw told me to pull the foreskin back on my genital area And to afterward turn around and spread my buttocks in which I told him that "I refused to follow these orders because it was not procedure" in which he told me that I would not give me my clothes back until I followed his orders. At that time I told him to give me my clothes back And to just put me in isolation as is procedure when an inmate refuses A search. He declined my request And walked out the search room laughing with the assisting officer leaving me naked in the cold search room some time later he peaked his head in the search room door And threatened to extract me naked out the search area so everybody can see me if I did not comply with his (intrusive search) orders. After about 15 minutes of me standing naked in the search room he finally gave me my clothes back.
2. Once I put my clothes back captain shaw sprayed me with M.K.9 (Bear repellent/pepperspray) at that time I was locked and secured behind a gate in the holding pen in the search area And didn't post any threat
3. Afterwards captain shaw walked away and left me in the cage for approximately another 15 minutes before coming back to get me to start the decontamination process

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N.A.C.

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☒ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

I CALLED 311

1. Which claim(s) in this complaint did you grieve? the sexual harassment and excessive force

2. What was the result, if any? Investigation still pending

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

311 contacted PREA

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: _____

They came and personally inquired about the incident

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

N/A At the moment

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). _____

I'm seeking money compensation in the amount of one million dollars

And for stricter guidelines to be enforced to ensure that detainees are not abused by intrusive searches by authorities

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No ✓

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ☐ No ☐

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ☒ No ☐

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Amoury living

Defendants D.O.C & STATE OF NEW YORK

2. Court (if federal court, name the district; if state court, name the county) Federal court

3. Docket or Index number 22-CV-1189

4. Name of Judge assigned to your case Katherine Parker

5. Approximate date of filing lawsuit January 7th 2021

6. Is the case still pending? Yes ☒ No ☐

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of May, 2022

Signature of Plaintiff

Amaury Linera

Inmate Number

241 210 2214

Institution Address

G.P.V.C

09-09 Hazen St

East Elmhurst N.Y 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this _____ day of May, 2022 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Amaury Linera

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THE DANIEL PATRICK MOYNIHAN
UNITED STATES COURTHOUSE
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SDNY
USDC

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09-09 HAZEN St G.P.V.C
8086 Elmhurst N.Y 11370